

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6798

BILL NUMBER: HB 1310

NOTE PREPARED: Jan 2, 2013

BILL AMENDED:

SUBJECT: Bell Requirements on a Locomotive.

FIRST AUTHOR: Rep. Kersey

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill removes the requirements that: (1) a railroad company must equip every locomotive engine with a bell maintained in good working order; and (2) the railroad engineer must ring the bell attached to a locomotive engine, in addition to sounding the whistle, while approaching the crossing of a turnpike, public highway, or street and until the engine has passed the crossing. It removes language authorizing a city, town, or county to adopt an ordinance to regulate the ringing of a bell attached to the locomotive engine when a train is in the city, town, or county.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The removal of the requirement that locomotives be equipped with working bells that are to be rung at railroad crossings will affect the Indiana Department of Transportation (INDOT) only in as much as INDOT is responsible for studying railroad crossing safety.

Background: Noncompliance with the current locomotive bell requirements may be subject to penalties as recovered in a civil action in the circuit or superior court of any county where the violation took place. Engineers who fail to comply shall be personally responsible for penalties between \$10-\$50, and railroad companies who fail to comply shall be responsible for penalties between \$250-\$5,000. The railroad company is also liable for damages to any person or property if caused by neglect or failure to comply with the bell requirement.

Explanation of State Revenues: The repeal of the statute eliminates the potential for revenue associated with

the collection of court fines, court fees, and penalties from any related court actions.

Explanation of Local Expenditures: There are six current “quiet zones” in Indiana. These include two in Mishawaka and one each in South Bend, Munster, New Albany, and Griffith. The Federal Railroad Administration (FRA) and not INDOT approves a community’s petition for a quiet zone, according to federal law. Petitions for quiet zones require supplementary and alternative safety measures that compensate for the loss of a train horn or whistle.

Explanation of Local Revenues: Local government will no longer potentially receive court fee revenue associated with related court actions.

State Agencies Affected: INDOT.

Local Agencies Affected:

Information Sources: Abigail Weingardt, INDOT, aweingardt@indot.in.gov; Federal Railroad Administration, <http://www.fra.dot.gov/Page/P0104>.

Fiscal Analyst: Stephanie Wells, 232-9866.